

MINUTES

ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 20, 2011

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Superintendent Strittmatter and Executive Secretary Neal were also in attendance.

Jim Purucker, Trevor Vance, Jeff McKean, Marc Carmichael, Mark Webb, Greg Genrich, John Barnett, Bart Herriman, Andi Metzel, Connie Vickery and Debbie Rolfsen were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 6, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Neal recommended the Commission approve the parties' agreed dispositions that were submitted for the September 20, 2011 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the September 20, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

RR84-03099 JERRY'S HIDEAWAY – Commissioner Guthrie stated Executive Secretary Dunsmore left his employment with this agency before having time to hear this appeal and, therefore, he was the hearing judge.

Commissioner Guthrie's recommendation regarding this appeal was for the Commission to uphold the local board and approve the renewal of this permit.

Vice Chairman Johnson moved to uphold Commissioner Guthrie's recommendation and approve the renewal. Commissioner Sturtz seconded and Chairman Huskey also voted to approve the recommendation. Commissioner Guthrie abstained from voting.

RR49-08536 WORKING TITLE, LLC – Vice Chairman Johnson stated he was appointed hearing officer regarding this appeal. He asked that the Commission consider the Proposed Findings of Fact and Conclusions of Law as submitted.

Commissioner Guthrie moved to adopt the Findings of the hearing officer and approve the transfer. Commissioner Sturtz seconded and Chairman Huskey also voted to adopt the Findings. Vice Chairman Johnson abstained from voting.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Guthrie seconded. The motion was unanimously approved.

Four hundred forty-eight (448) permits approved for renewal, forty-eight (48) new and/or transfer permits approved, twelve (12) permits approved for catering, three (3) permits approved for first year escrow, two (2) permits approved for second year escrow, two (2) permits approved for third year escrow and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR45-91454 GINA LAKICH – Commissioner Guthrie noted this is a type 210 renewal with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-08575 K/C'S BAR AND GRILL INCORPORATED – Commissioner Guthrie noted this is a type 210 transfer of ownership application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the two opposing votes were from local board members who felt there was no need and no desire for the services.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR45-01773 KENNY MAY'S LOUNGE, INC. - Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board members who voted against the renewal feel the premises has become a public nuisance based on criminal offenses and police runs to the establishment.

Commissioner Guthrie moved to deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-00971 THE STADIUM LLC - Commissioner Guthrie noted this is a transfer of ownership and location application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the transfers. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR04-22470 SQUEEZE INN, INC. – Commissioner Guthrie noted this is a type 210-1 renewal application with the local board voting three (3) to one (1) to approve for one (1) year.

Commissioner Guthrie stated the officer recommended denial because of problems with the owner during a compliance check from 2009. The record doesn't indicate any other problems since that time.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one (1) year. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR49-21637 SABOR BOHEMIO, LLC – Commissioner Guthrie noted this is a type 112 renewal application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated there is a lot of evidence on both sides of this matter. The local board members recommending denial cited character and fitness of the applicant as reason for their vote.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES- Vice Chairman Johnson moved to make six (6) permits inactive. Four (4) permits are not subject to auction and two (2) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2011.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER